

09/217,469

page 3

01/08/2002

removable from said compact smoking oven without disassembly for loading and unloading of
said food product.

Remarks

Claims 1-14, 26-29 and 31-35 are currently pending in the application. Claims 1-14, 33 and 34 are allowed. Claims 26-29 and 31-32 are rejected. Claim 35 is added by the present Response.

In response to the Examiner's objection to the drawings and the new matter rejection of Claims 29, 31 and 32, Applicant amended Claims 29 and 32 to eliminate the new matter. Claim 32 now recites the limitation of the grate being mounted on the rod between two rotatable discs. This limitation is clearly shown in Fig. 13B, where grate 45 is mounted for rotation on a central rod and is located between discs 41 and 42. Similarly, Claim 29 now recites the limitation of the grate being removably attached to the rod, which rotates together with a disc. This limitation is also shown in Fig. 13B where grate 45 is attached to the rod and the rod rotates with at least one of the discs 41 and 42. Therefore, the objection to the drawings should be withdrawn and Claims 29 and 32 are now believed to be patentable. Further, Claim 31 is also believed to be patentable because it is dependent from Claim 29 and therefore recites the same limitations.

The Examiner rejected Claims 26-28 under 35 U.S.C. §251 asserting that the recitation of "each of said plurality of rods rotates one complete revolution every time said first and said second rotatable discs rotate one complete revolution" constitutes a "new matter." Applicant respectfully brings to the Examiner's attention that, even though the original specification does not include the above recitation, it nevertheless does not constitute a "new matter" because this recitation is based on a well known physical phenomenon known as the law of gravity. As shown in the attached diagram, when a circular disc has a circular rod with an attached weight

01/08/2002

inserted into a circular opening within the disc, the degree of rotation of the disc corresponds to the degree of rotation of the rod, regardless of the disc's diameter or the weight of the flywheel. For example, in the initial position, the flywheel points toward the center of the disc. In the absence of gravity, when the disc rotates to a 45° angle (position 1) from its initial position, the flywheel would still point towards the center of the disc. However, gravity forces the flywheel to point downwards thereby turning the flywheel and the rod to the same 45° angle. Similarly, when the disc rotates to a 90° angle (position 2) from its initial position, gravity forces the flywheel to point downwards again thereby turning the flywheel and the rod to the same 90° angle. Therefore, when the disc rotates to a 360° angle (i.e., one complete revolution) from its initial position, the gravity force turns the flywheel and the rod to the same 360° angle (i.e., one complete revolution). This law holds true for all disc diameters and any weight of the flywheel. Therefore, Applicant believes that Claim 26 is patentable. Further, Claims 27-28 are also believed to be patentable because they are dependent from Claim 26 and therefore recite the same limitations.

In view of the above amendments and remarks, it is submitted that all of the claims remaining in the application, specifically claims 1 -14, 26-29, and 31-35, are currently in patentable form. A prompt and favorable allowance of all of the claims is requested and believed fully warranted. Should the Examiner have any questions concerning the present Amendment, a telephone call to counsel at (212)756-2167 would be welcomed.

Dated: January 8, 2002

Respectfully submitted,
Anna Vishev
Anna Vishev (Reg. No. 45,018)
Schulte, Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2167 (phone)

